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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of) MM Docket No. 93-316
)
BIBLE BROADCASTING NETWORK, INC.) File No. BPFT-950726TA
)
Application for Construction Permit for New)
FM Translator at Laramie, Wyoming)

To: Chief, Mass Media Bureau

OPPOSITION TO INFORMAL OBJECTION

Bible Broadcasting Network, Inc. ("BBN"), through counsel, and pursuant to §73.3584(b) of the Commission's Rules, hereby submits its Opposition to a letter filed by Western Inspirational Broadcasters, Inc. ("Western") objecting to BBN's application for new FM Translator at Laramie, Wyoming. In opposition, the following is shown:

**Western's Letter Filing is Procedurally Defective and Does Not
Constitute a Formal Petition to Deny**

While Western's letter is styled a "Petition to Deny," it contains numerous procedural flaws that disqualify it for consideration as a formal Petition to Deny and that warrant its return without consideration. In Public Notice, Report No. 45566, released August 8, 1995, the Mass Media Bureau announced that it was carefully scrutinizing Petitions to Deny and that it would return Petitions that do not meet all of the Commission's procedural requirements. Western's letter fails to meet several of the Commission's procedural requirements. For example, Western makes no attempt to show that it has standing to challenge BBN's application. This omission alone is justification for the return of Western's letter without further consideration. See,

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Public Notice, supra. Since Western's letter was not filed by an attorney, it should have also contained the personal verification required by §1.52 of the Rules. While Western alleges that BBN's FM Translator would cause interference, Western provides no supporting affidavits of persons with knowledge or other evidence to support its allegation as required by §73.3584(b) of the rules. In addition, Western's letter contains no certificate of service, as required by §1.47 of the Rules. Because of these serious procedural defects, the Commission should summarily dismiss Western's letter without further consideration.

BBN's Opposition is Timely-Filed

Should the Commission consider the matters raised in Western's letter, then the Commission should accept this Opposition as timely-filed. Until it appeared on FCC Public Notice, No. 23622, released today, October 27, 1995, despite attempts to do so, counsel was unable to confirm that Western's letter had been received by the Commission. The Public Notice shows that the letter was filed October 2, 1995. As demonstrated above, while Western's letter was styled a "Petition to Deny," it is in reality, an informal objection. Section 73.3587 of the Commission's Rules concerning informal objections provides that the "limitation on pleadings and time for filing pleadings provided for in §1.45 of the rules shall not be applicable to any objection duly filed under this section." Accordingly, there is no formal deadline for the filing of an opposition to Western's informal objection, and as BBN filed this opposition immediately upon confirming that the Western letter was filed, BBN has acted with alacrity. BBN's Opposition should be accepted as timely-filed.

**Western has Failed to Demonstrate that Objectionable Interference
Will Result from BBN's Proposed FM Translator at Laramie**

BBN, a noncommercial broadcaster, filed the above-captioned application for new noncommercial FM Translator on 90.5 Mhz at Laramie, Wyoming, to rebroadcast the signal of its noncommercial FM station, WYFG, Gaffney, South Carolina. Western is the licensee of FM Translator station K244DK, Laramie, Wyoming, which rebroadcasts the signal of KCSP, on 90.3 Mhz, Casper, Wyoming. The distance between the transmitter sites of BBN's proposed FM Translator and K244DK is 15.2 kilometers.


Western claims that BBN's proposed FM Translator will cause interference to the input channel of Western's existing FM Translator in Laramie. Western has offered no documentary proof whatsoever to support this claim. This letter is based upon pure speculation. The attached Engineering Report (Exhibit 1) explains that, because of the distance between the transmitter sites of Western's FM Translator and BBN's proposed FM Translator and the nature of the intervening terrain, it is believed that Western's existing FM Translator will be able to continue to operate without interference. Once BBN's FM Translator is operational, should there be any actual interference to K244DK, BBN will take the necessary steps to resolve any such interference, as required by §74.1203 of the Commission's Rules. Western's unsupported and speculative allegation should not prevent the Commission from granting BBN's application for construction permit.¹

¹ Western alleges that it has contacted BBN to discuss this matter and that BBN has not returned Western's calls. Western demands that BBN provide written assurance that BBN would correct any interference problems prior to the FCC's issuance of a construction permit. However, no such written assurance is required under the Rules. Counsel has been advised that BBN has responded to Western's

WHEREFORE, the above-premises considered, Bible Broadcasting Network, Inc., respectfully requests that the Informal Objection filed by Western Inspirational Broadcasters, Inc., be **DENIED**.

Respectfully submitted,

BIBLE BROADCASTING NETWORK, INC.

By 

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Its Attorneys

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October 27, 1995

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inquires, and that BBN has explained to Western that it does not believe that interference will be caused in this case. Counsel is informed that BBN has assured Western that, if BBN's new FM Translator causes unexpected interference, BBN will promptly take action pursuant to §74.1203 of the Rules to resolve the interference complaint. Therefore, BBN believes it has complied with the Commission's requirements.

EXHIBIT 1

ENGINEERING REPORT
Response to Petition
by Western Inspirational Broadcasters, Inc.
Concerning BPFT-950726TA
At Laramie, WY
October, 1995

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E. HAROLD MUNN, JR. & ASSOCIATES, INC.
Broadcast Engineering Consultants
Coldwater, MI 49036

CERTIFICATION OF CONSULTANT

The firm of E. Harold Munn, Jr. & Associates, Inc., Broadcast Engineering Consultants, with offices at 100 Airport Drive, Coldwater, Michigan, has been retained for the purpose of preparing the technical data submitted in this report.

The data utilized in this report was taken from the FCC Secondary Database and other data on file. While this information is believed accurate, errors or omissions in the database and file data are possible. This firm may not be held liable for damages as a result of those data errors or omissions.

The report has been prepared by or under the direction of the undersigned, whose qualifications are a matter of record before the Federal Communications Commission.

I declare under penalty of perjury that the contents of this report are true and accurate to the best of my knowledge and belief.

E. Harold Munn, Jr. & Associates, Inc.

October 17, 1995

by Virgil M. Royer
Virgil M. Royer, Staff Engineer

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ENGINEERING STATEMENT

This firm was requested to examine a filing by Western Inspirational Broadcasters, Inc., licensee of FM Translator station K244DK, Laramie, Wyoming. In said filing before the Commission, Western states that harmful interference would be caused to the input signal of K244DK, by the proposed operation at Laramie, Wyoming, of an FM translator to be operated on Channel 213, 90.5 MHz, by Bible Broadcasting Network, Inc. Bible has tendered an application, BPFT-950726TA requesting the establishment of the Channel 213 translator at a site in central Laramie at NL 41° 18' 41"; WL 105° 35' 37".

The specified input frequency for K244DK is Channel 212, 90.3 MHz. It is believed that K244DK may continue to be operated without interference from the proposed operation by Bible on Channel 213. The proposed Bible translator is located 15.2 km from K244DK, on a bearing of 305 degrees. The "desired" bearing to KCSP, Casper, Wyoming, from K244DK is 337 degrees true. No information as to the type of receiving antenna in use by K244DK was supplied by the licensee of that facility. A typical antenna for translator receive purposes would be a Scala or equivalent Yagi type, of five (5) elements. The horizontal field gain at 30 degrees from the desired azimuth of 337 degrees is calculated to be 0.64, relative to the major lobe gain.

The proposed Bible translator site in Laramie has an antenna radiation center above mean sea level of 2203 meters. On a bearing of 125 degrees from the translator toward K244DK, the average terrain elevation is 2412 meters, thus, toward K244DK the proposed Bible translator radiation center is -209 meters relative to the average terrain. This will further limit the signal toward K244DK.

It is anticipated that commonly applicable measures, such as band-pass filtering and/or the addition of suitable preamplifiers or modified reception antennae would permit the continued operation of K244DK, in the presence of an adjacent-channel signal from the Bible translator at Laramie, Wyoming.

CERTIFICATE OF SERVICE

I, Denise L. Felice, a secretary in the law firm of Smithwick & Belendiuk, P.C., certify that on this 27th day of October, 1995, copies of the foregoing were mailed via first class mail, postage pre-paid, to the following:

Mr. Robert D. Greenberg (*)
FM Group Leader
Federal Communications Commission
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Room 348
Washington, DC 20554

Mr. Robert T. Hese
General Manager
Western Inspirational Broadcasters, Inc.
6363 Highway 50 East
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(*): Hand Delivery


Denise L. Felice